Single Bench
Page No ....2....

CF 100/-

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION (S) NO. 4980 /2006

WRIT PETITIOIN UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS / CERTIORARI / PROHIBITION ETC.

PETITIONER

Domudhar Singh, aged about 59 years, son of Late Roodhar Singh, resident of Dokarighat Para, Near karma Kotin Mandir, Vijayawward, Jagdalpur, District Bastar (*Chhattisgarh*)

P.R. No. 4821/06 Presented by Shri Manoj Chouhan dated 31/8/06

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through – the Secretary, Department of Forest, Dau Kalyan Singh Bhawan, *Mantralay, Raipur*
2. The Chief Conservator of *Forest, Raipur (Chhattisgarh)*
3. The Conservator of Forest, Jagdalpur Circle, Jagdalpur, District Bastar (C.G.)
4. The Divisional Forest Officer, Bastar (General) Forest Division Jagdalpur, District Bastar (C.G.)

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BATH COMMISSIONER BILASPUR TAHSILDAR
S.R. Kaushik
31/8/06

(61)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 4780 of 2006

Petitioner : Domudar Singh

Versus

Respondents : The State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri R.N. Jha, Advocate for the Petitioner.

Shri Satish Gupta, Dy. Govt. Advocate for the respondents/State.

ORDER

(6th September, 2006)

1. The petitioner was employed as Forest Guard in Bastar Range, Forest Department of the State of Chhattisgarh.

2. By notice dated 30.10.2003 (Annexure P/3), the petitioner was informed that he would be retired on superannuation w.e.f. 30.6.2004 after having completed 60 years of age on 1.7.2004. The petitioner thereafter kept quite and did not challenge his date of retirement. The petitioner retired from service on 30.6.2004.

3. According to learned counsel for the petitioner, the petitioner has made several representations before the respondents/authorities for correction of his date of birth.

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4. It is well settled principle of law that at the fag end of service of an employee, the actual date of birth cannot be questioned, to disturb seniority of other employees, whose service records have been settled.

5. In the facts of the present case, the petitioner kept quite after 30.6.2004 till the filing of this petition on 31.8.2006 when before that he was served with the notice dated 30.10.2003 about his superannuation. Since the petitioner did not take any action or did not make any representation for correction of his date of birth in time, no case is made out for indulgence at this stage for determination of the date of birth. Even the petitioner has retired w.e.f. 30.6.2004

6. For the reasons aforementioned, the writ petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu